IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.571 OF 2006

Shri Anandrao Ganapati Nikam ...Appellant
Vs.
Dattatraya Manshing Nikam & Ors. ...Respondents

Shri M.R. Suryawanshi for the Appellant.
Shri C.G. Gavnekar for the Respondents.

CORAM : A. S. OKA, J.
DATE : AUGUST 01, 2006.

P.C.:

1. Heard the Advocates appearing for the parties. Shri Gavnekar appearing for the Respondents states that the Respondents have not preferred any Appeal against rejection of the counter claim.

2. The suit filed by the Appellant for removal of encroachment has been dismissed by the Trial Court and the decree of the Trial Court has been confirmed in the Appeal.

3. The burden of establishing encroachment was on the Appellant and the finding of both the courts below is that the Appellant could not lead evidence to substantiate the case made out in the plaint regarding encroachment on his property.

4. In view of the concurrent findings of fact, no substantial question of law arises. Second Appeal is dismissed. No orders as to costs.

JUDGE